

## DECLARATION AND POWER OF ATTORNEY

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first and joint inventors of the invention entitled "NOVEL EPITHELIAL TISSUE IMAGING AGENT," which is described and claimed in the specification and claims of C-I-P Application No. 09/005,167, which we filed in the United States Patent and Trademark Office on January 9, 1998, and for which a patent is sought; and that this application in part discloses and claims subject matter disclosed in our earlier-filed Application No. 08/782,480, entitled "NOVEL EPITHELIAL TISSUE IMAGING AGENT," which we filed in the United States Patent and Trademark Office on January 10, 1997.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a), including material information which occurred between the filing date of said earlier-filed application and the filing date of the C-I-P application.

We hereby appoint RICHARD W. SEED, Reg. No. 16,557; ROBERT J. BAYNHAM, Reg. No. 22,846; EDWARD W. BULCHIS, Reg. No. 26,847; GEORGE C. RONDEAU, JR., Reg. No. 28,893; DAVID H. DEITS, Reg. No. 28,066; WILLIAM O. FERRON, JR., Reg. No. 30,633; PAUL T. MEIKLEJOHN, Reg. No. 26,569; DAVID J. MAKI, Reg. No. 31,392; RICHARD G. SHARKEY, Reg. No. 32,629; DAVID V. CARLSON, Reg. No. 31,153; MAURICE J. PIRIO, Reg. No. 33,273; KARL R. HERMANNS, Reg. No. 33,507; DAVID D. MCMASTERS, Reg. No. 33,963; ROBERT IANNUCCI, Reg. No. 33,514; MICHAEL J. DONOHUE, Reg. No. 35,859; CHRISTOPHER J. DALEY-WATSON, Reg. No. 34,807; STEVEN D. LAWRENZ, Reg. No. 37,376; ROBERT G. WOOLSTON, Reg. No. 37,263; ELLEN M. BIERMAN, Reg. No. 38,079; BRYAN A. SANTARELLI, Reg. No. 37,560; CAROL NOTTENBURG, Reg. No. 39,317; CRAIG S. JEPSON, Reg. No. 33,517; PAUL T. PARKER, Reg. No. 38,264; JOHN C. STEWART, Reg. No. 40,188; DAVID W. PARKER, Reg. No. 37,414; ROBERT E. MATES, Reg. No. 35,271; BRIAN G. BODINE, Reg. No. 40,520; FRANK ABRAMONTE, Reg. No. 38,066; E. RUSSELL TARLETON, Reg. No. 31,800; FREDERICK M. FLIEGEL, Reg. No. 36,138; JAN C. L. MAXWELL, Reg. No. 41,181; THOMAS L. EWING, Reg. No. 34,328; CLIFTON G. GREEN, Reg. No. 41,044;

PHILLIP B. C. JONES, Reg. No. 38,195; KEVIN S. COSTANZA, Reg. No. 37,801; DALE C. BARR, Reg. No. 40,498; KEVIN S. ROSS, Reg. No. P-42,116; PAUL F. RUSYN, Reg. No. P-42,118; JOHN M. WECHKIN, Reg. No. P-42,216; THOMAS E. LOOP, Reg. No. P-42,810; STEPHEN J. ROSENMAN, Reg. No. P-43,058; and BRIAN L. JOHNSON, Reg. No. 40,033, comprising the firm of SEED AND BERRY LLP, 6300 Columbia Center, Seattle, Washington 98104-7092, as our attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to **David J. Maki** at (206) 622-4900 and telecopies to (206) 682-6031.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Andrew C. Hiatt

Date May 1 1998  
Residence : City of San Diego. County of San Diego  
Citizenship : United States of America  
P.O. Address : 660 Torrance Street  
San Diego, California 92103



Mich B. Hein

Date 1 May 1998

Residence : City of Fallbrook, County of San Diego  
State of California  
Citizenship : United States of America  
P.O. Address : 1355 Santa Margarita Drive  
Fallbrook, California 92028



John H. Fitchen

Date May 1 1998

Residence : City of La Jolla, County of San Diego  
State of California  
Citizenship : United States of America  
P.O. Address : 3874 La Jolla Village Drive  
La Jolla, California 92037

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hiatt, et al.

Title: NOVEL EPITHELIAL TISSUE IMAGING AGENT

Appl. No.: Not Assigned

Filing Date: Herewith

Prior Appl. No. 09/005,167

Prior Filing Date: 01/09/1998

<b>CERTIFICATE OF HAND DELIVERY</b>	
I hereby certify that this correspondence is being hand delivered to the United States Patent and Trademark Office in Washington, D.C. on the date below.	
<u>02.05.02</u>	
(Date)	
<u>Mr. Justin Bossekop</u>	
(Printed Name)	
<u>John D. Mukoto, Jr.</u>	
(Signature)	

**REVOCATION OF PRIOR POWERS OF ATTORNEY BY ASSIGNEE**  
**APPOINTMENT OF NEW POWER OF ATTORNEY BY ASSIGNEE**  
**CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents  
 Washington, D.C. 20231

Sir:

Epicyte Pharmaceuticals, Inc is the assignee of Application No. 09/005,167 filed January 9, 1998, and all continuing applications thereof, as evidenced by an Assignment recorded in the U.S. Patent and Trademark Office on June 19, 1998 at reel/frame 9275/0836.

Epicyte Pharmaceuticals, Inc, through its duly-delegated representative, hereby revokes all prior Powers of Attorney submitted in this application, and hereby appoints the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

WESLEY B. AMES	Reg. No. 40,893
LEI FANG	Reg. No. 44,676
KEVIN J. FORRESTAL	Reg. No. 45,861
ANDREW EDWARD	Reg. No. 38,473
GRANSTON	
BERNARD L. KLEINKE	Reg. No. 22,123
STEPHEN E. REITER	Reg. No. 31,192
RICHARD M. SAN PIETRO	Reg. No. 45,071
STACY L. TAYLOR	Reg. No. 34,842
RICHARD J. WARBURG	Reg. No. 32,327
ARTHUR A. WELLMAN JR.	Reg. No. 47,174
MICHAEL A. WHITTAKER	Reg. No. 46,230
BARRY S. WILSON	Reg. No. 39,431

as its principal attorneys to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith, and to have full power of

substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney.

Please direct all future correspondence concerning this application to:

Barry S. Wilson  
FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278

Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

Executed this 15 the day of January, 2002.

Epicyte Pharmaceutical, Inc

By:



(Signature)

Andrew Hiatt, Ph.D.  
(Printed Name)

Vice President  
Research & Development  
(Title)